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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/551,179 Confirmation No. :
First Named Inventor : Heinrich A. EBERL
Filed : September 29, 2005
PCT No. : PCT/EP02/04030
TC/A.U. :
Examiner :

Docket No. : 101795.56308US
Customer No. : 23911

Title : Method and System for Providing Information on the Eye

RENEWED REQUEST FOR RECONSIDERATION AND SECOND
RENEWED PETITION FOR REVIVAL OF UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 22, 2007

Sir:

This renewed request for reconsideration is submitted in response to the Decision dated November 22, 2006 by the Office of Patent Cooperation Treaty, Legal Administration, dismissing the previously filed petition under 37 C.F.R. §1.137(b), without prejudice.

All of the observations, facts and arguments set forth in the October 20, 2006 request for reconsideration, as well as in the attachments thereto, are incorporated in this document by reference.

For the reasons articulated in the attached Declaration of David Dickerson (one of the inventors, and the current proprietor of this application), Mr. Dickerson respectfully submits that at no time during the relevant period did he

have the intention to abandon this application. In fact, as set forth in the attached Declaration, Mr. Dickerson obtained final control of this application on November 20, 2003, four days before the U.S. National Stage application was due to be filed.

As explained in greater detail in Mr. Dickerson's declaration, based on his then understanding of the requirements for filing in the United States, it was a practical impossibility for him to have do so within four days. Moreover, it was at that time also his belief that failure to file within the 30-month deadline was final and irreversible. Accordingly, his failure to enter the U.S. national stage within the 30-month period, or to file a petition to revive this application sooner than he did, is not indicative of an intention to abandon the application. Rather, it is, as noted in the attached declaration, the result of a convergence of a number of circumstances, which combined to prevent his going forward with this application.

It is important to note that the relevant inquiry with regard to this application is not whether Mr. Dickerson could in fact legally have filed the necessary papers in the United States. (He does not contend that the abandonment was "unavoidable".) Rather, the issue is whether is failure to do so is indicative of an intention on his part to abandon this application. While it is frequently stated that ignorance of the law is no excuse for failure to comply, in this instance, given that the issue raised by this petition relates to Mr.

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Dickerson's intentions regarding the application, any misunderstanding on his part regarding the requirements for filing is indeed highly relevant. In fact, Mr. Dickerson has set forth in great detail in the attached declaration the circumstances, including his ongoing efforts during the relevant period, which negate any inference which might otherwise be drawn regarding an intention on his part to abandon the application due to the length of the delay in question.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 05-1323 (Attorney Docket No. 101795.56308US).

Respectfully submitted,



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